

STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

At a session of the Public Service
Commission held at its office
in Jefferson City on the 6th
day of January, 1995.

Ahlstrom Development Corporation, and)	
Cottonwood Energy Partners, L.P.,)	
)	
Complainants,)	
)	
v.)	<u>Case No. EC-95-28</u>
)	
The Empire District Electric Company,)	
a corporation,)	
)	
Respondent.)	
)	

ORDER GRANTING APPLICATION TO PARTICIPATE
WITHOUT INTERVENTION

On December 19, 1994, Trigen-St. Louis Energy Corporation ("Trigen") filed an Application To Intervene Or, In The Alternative, Participate Without Intervention, Out Of Time ("Trigen's Application"). Trigen states that its interest in this docket stems from the probable future use of the Ashley Plant as a generator of electricity, potentially operating as a qualifying cogeneration and small power production facility ("QF") under the Public Utility Regulatory Policies Act ("PURPA") and its amendments. Trigen states that this Commission has recognized the importance of this docket as establishing precedent relating to the regulatory relationship between investor-owned electric utilities and independent power producers and QFs. Trigen states that it is willing to take this case, and the issues to be addressed, as they currently stand and will do nothing to delay the hearing and disposition of this case.

On December 28, 1994, Ahlstrom Development Corporation and Cottonwood Energy Partners, L.P. (Ahlstrom) filed a Response to Trigen's Application. Ahlstrom states that Trigen's participation should be limited to those interests

specifically identified in its application (i.e., the proper calculation of avoided costs and the information needed to properly derive avoided costs). Trigen should not be allowed to conduct discovery or to participate in any other issues, particularly those which affect only Ahlstrom and The Empire District Electric Company and should, as it suggests if it is allowed to participate without intervention, be limited to presenting an opening statement and filing briefs.

On December 28, 1994, The Empire District Electric Company ("Empire") filed a Response to Trigen's Application. Empire states that it objects to Trigen's application to intervene. However, Empire has no objection to the Commission granting Trigen the right to participate without intervention as provided in Commission rule 4 CSR 240-2.110(15), if Trigen's intervention is limited in a similar fashion to Cogentrix's (limited to an opening statement and the filing of briefs).

On January 5, 1995, Union Electric Company ("UE" or "Company") filed a Response to Trigen's Application, Out Of Time. UE contends that the issue of the proper calculation of UE's avoided costs as applied to any electricity generated at the Ashley Plant site, or any related trash-to-energy facility, is foreclosed by the negotiated rate formula specified in the Contract for Purchase and Sale of Dump Electric Energy executed December 3, 1984, a copy of which was attached to UE's Response.

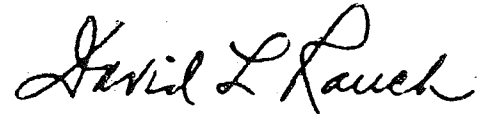
The Commission has considered Trigen's request and determines that Trigen shall be allowed to participate in this case without intervention pursuant to Commission rule 4 CSR 240-2.110(15) because the views of Trigen will be reasonably pertinent to the issues already involved in the case and the outcome of this proceeding may establish precedent under which independent power producers will supply energy. Trigen's participation will be limited to an opening statement and the filing of briefs.

IT IS THEREFORE ORDERED:

1. That Trigen-St. Louis Energy Corporation is hereby granted participation without intervention pursuant to 4 CSR 240-2.110(15) as described in this order.

2. That this order shall become effective on the date hereof.

BY THE COMMISSION

A handwritten signature in cursive script that reads "David L. Rauch".

David L. Rauch
Executive Secretary

(S E A L)

Perkins, Kincheloe and Crumpton,
CC., concur.
McClure, C., dissents.
Mueller, Chm., absent.